

**CITY OF LINCOLN, NEBRASKA**  
**COMMISSION ON HUMAN RIGHTS MINUTES**  
February 27, 2014  
CITY COUNCIL CHAMBERS, 555 S. 10<sup>TH</sup> STREET

The February 27, 2014, meeting of the Commission on Human Rights was called to order at 4:15 p.m. by Bennie Shobe, Chair.

**ROLL CALL:**

The roll call was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners: Bennie Shobe (Chair), Sue Oldfield, Takako Olson, Mary Reece (Vice-Chair), and Micheal Q. Thompson. Quorum present.

**MEMBERS ABSENT:**

Liz King.

**STAFF PRESENT:**

Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Loren Roberts, Peg Dillon, and Rod Confer.

**APPROVAL OF JANUARY 30, 2014 MINUTES:**

A motion was made by Oldfield and seconded by Thompson to approve the minutes of the January 30, 2013 meeting. Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

**APPROVAL OF FEBRUARY 27, 2014, AGENDA:**

A motion was made by Shobe and seconded by Thompson to approve the amended meeting agenda to remove case LCHR No.: 13-0703-021-E-R from the agenda. Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

**CASE DISPOSITIONS:**

**LCHR #13-0827-026-E-R**

A motion was made by Reece and seconded by Olson to recommend a finding of **No Reasonable Cause** on all issues.

Shobe said he was confused about whom the actual employer was and if it is customary to file against both the placement agency and the company employees are placed with. Nichols replied that yes the law does allow for filing against both the placement agency and the company. She said the actual employer in this case is the placement agency. Thompson questioned the dates and applications. Nichols explained that the Complainant had applied twice directly with the company and then also had applied through the placement agency which placed her at the company.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

**LCHR #13-0827-027-E-R**

A motion was made by Oldfield and seconded by Reece to recommend a finding of **No Reasonable Cause** on all issues.

Thompson asked if the Complainant left the Respondent before she could be terminated. Nichols replied that the Respondent had planned to end the Complainant's placement on that Friday; however, she left before it could, so her placement was not ended until the next Monday. Shobe questioned why the Complainant felt discharged unfairly even though she never called in to check for available positions after completing a new I-9. It was also asked about the Complainant's allegation she was told that English speaking individuals were placed first. Nichols replied that the Complainant did not call back in because she moved from Nebraska shortly after completing the I-9 and that the Respondent stated it told the Complainant that jobs weren't as plentiful for Spanish-only speaking people.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

**LCHR #13-0917-032-E-R**

A motion was made by Olson and seconded by Oldfield to recommend a finding of **No Reasonable Cause** on all issues.

Commissioners asked about the Complainant's age allegation he put in his rebuttal and why he didn't complain to Human Resources. Nichols stated that at one point, while the Complainant was attempting to post in comments using the Respondent's computer software, he asked the Human Resources Director to help him, which he did. Even though he was writing the rebuttal, the Complainant did not say anything to the Director at the time. Reece wondered why the Complainant's supervisor did not read the rebuttal which included the allegation and claimed he was not aware of the allegation. Nichols replied that the supervisor stated his belief that the Performance Improvement Plan outline the Complainant submitted to him addressed the issues the Complainant had with the evaluation, which was why he didn't read it. The Commissioners also discussed the

performance evaluations of the other engineers and that the Complainant had received the lowest rating, not only from his current supervisor, but also from his previous supervisor the year before.

Nichols said that one of the Complainant's witnesses confirmed that this same supervisor did ask him about plans for retirement. She added that this same witness claimed the supervisor had also asked at least one other employee, and it the witness's impression that the supervisor was unaware he should not be asking that type of question. Nichols added the Complainant alleged the supervisor never asked him about his retirement plans because the supervisor was targeting him for termination based on his age. While the supervisor denied asking any employee about retirement, he added that he asked Human Resources what types of questions were permissible and was instructed that he could not ask personal questions.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

#### **LCHR #13-1105-014-H**

A motion was made by Shobe and seconded by Thompson to recommend a finding of **No Reasonable Cause** on all issues.

Shobe asked about the month-to-month lease and why the Complainant would not sign it. Nichols replied that the Complainant wanted the guarantee of a 6- month or a 1 year lease and believed the Respondent would terminate her residency sooner if she signed the month-to-month lease. Shobe asked if other tenants were also offered a month-to-month lease and signed them. Nichols responded the evidence showed that the tenants did receive and sign the month-to-month lease. She added evidence also showed the Respondent evicted two other tenants for not signing a month to month and also failed to pay rent. Shobe asked why she wouldn't sign it if that is her only alternative. Nichols said the Complainant considered the apartment her home and she wanted the assurance that she would not be evicted from her home if she signed the new lease.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

#### **PUBLIC HEARING:**

#### **LCHR #13-0612-003-H**

Shobe asked for some clarification from counsel about this final order. Rod Confer, City Attorney said he would be the new counsel for this Commission, replacing Jocelyn Golden, Assistant City Attorney on this case. Confer replied that he believed that a motion should be moved by the Commission before asking further questions about the Motion for a New Trial or Reconsideration.

A motion was made by Shobe and seconded by Oldfield to deny the request for Reconsideration.

Reece asked if the Commission did not approve the motion, if they would still be able to amend Final Order to remove the satisfaction of judgment. Confer replied yes, if the Commissioners felt that they did not have the authority to move forward with the satisfaction of judgment they could reconsider it on that ground.

Shobe moved to withdraw the motion to deny the request for Reconsideration.

A motion was made by Reece and seconded by Thompson to accept the Motion for Reconsideration.

There was general discussion on how to decide if the Commission has the authority to change one point in the Final Order. Confer said you can move to reconsider and not have a new trial and then modify the judgment on the reconsideration.

A motion was made by Shobe and seconded by Olson that the Commission should go into a closed Executive Session for the protection of the public interest.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried for an Executive Session to begin at 4:52 p.m. The public was excused from the meeting.

**COMMISSIONERS PRESENT:**

Commissioners: Bennie Shobe (Chair), Sue Oldfield, Takako Olson, Mary Reece (Vice-Chair), and Micheal Q. Thompson.

**STAFF PRESENT:**

Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Loren Roberts, Peg Dillon, and Rod Confer.

Executive Session ended and returned to an open meeting at 5:01pm. Public returned to the meeting.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried to accept the Motion for Reconsideration.

A motion was made by Reece and seconded by Thompson to accept the proposed Amended Final Order because the new evidence would have no impact on the outcome of the case and requiring the Satisfaction of Judgment was outside of the authority of the Commission.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Oldfield, Olson, Reece, Shobe, and Thompson. Motion carried.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

Voting took place on the submitted nominations for the awards to be given at the annual Civil Rights Conference. It was decided that Amir A. Azimi will be awarded the Gerald Henderson Human Rights Award and Seanna Collins will be awarded the Fair Housing Award during the luncheon. Commissioner Shobe will present these awards at the Civil Rights Conference on April 1<sup>st</sup>, 2014.

Commissioners asked about the progress on filling the three vacancies on the Commission. Taylor-Riley replied that there are three excellent candidates who will be appointed after being approved by the city council.

**Next Meeting:**

The next meeting will be Thursday, March 27, 2014, at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10<sup>th</sup> Street.

The meeting was adjourned at 5:08 p.m.